

Hon. Mr. Mason.

FAIR RENTS AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p>	<p style="text-align: center;">PART II.</p> <p>SHOPS, FLATS, AND ACCOMMODATION.</p> <p>3. Interpretation.</p> <p>4. Shops and flats to which this Part applies.</p> <p>5. Restriction on raising rent of shops and flats.</p> <p>6. Application of principal Act to shops and flats.</p> <p>7. Power to make regulations regulating charges for residential accommodation.</p>
<p style="text-align: center;">PART I.</p> <p>DURATION OF PRINCIPAL ACT.</p> <p>2. Duration of principal Act extended.</p>	

A BILL INTITULED

AN ACT to amend the Fair Rents Act, 1936. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority
5 of the same, as follows:—

1. This Act may be cited as the Fair Rents Short Title.
Amendment Act, 1939, and shall be read together
with and deemed part of the Fair Rents Act, 1936 1936, No. 14
(hereinafter referred to as the principal Act).

10

~~PART I.~~

~~Duration of Principal Act.~~

2. (1) The principal Act *is hereby revived as from* Duration of
the time of its expiry, and shall continue in force principal Act
until the thirtieth day of September, nineteen hundred extended.
15 and forty, and shall then be deemed to be repealed.

(2) Section eighteen of the Statutes Amendment 1938, No. 20
Act, 1938, is hereby repealed.

Struck out.

PART II.

SHOPS, FLATS, AND ACCOMMODATION.

Interpretation.

3. In this Part of this Act, unless the context otherwise requires,—

“ Shop ” means any premises used by a tenant exclusively or principally as a shop: 5

“ Flat ” means any part of a building where that part is let as a separate dwelling and the building was originally designed and constructed for the purpose of being let as more than two separate flats or apartments; but does not include— 10

(a) Any premises let at a rent that includes payments in respect of board or attendance; or 15

(b) Any premises used by the tenant exclusively or principally for business purposes. 20

Shops and flats to which this Part applies.

4. (1) Nothing in this Part of this Act shall apply with respect to any shop that is let for the first time as a shop at any time after the passing of this Act. 20

(2) Nothing in this Part of this Act shall apply with respect to any flat—

(a) That is let for the first time as a flat after the passing of this Act; or 25

(b) That has not been let as a flat at any time since the *first* day of *June*, nineteen hundred and *thirty-nine*, and before the passing of this Act; or 30

(c) That is let as a flat on the passing of this Act at a rent exceeding one hundred and fifty-six pounds a year (whether or not such rent is computed on an annual basis); or

(d) That in the case of a flat to which the *last preceding* paragraph does not apply, has at any time since the *first* day of *June*, nineteen hundred and *thirty-nine*, and before the passing of this Act, been let as a flat at a rent exceeding one hundred and fifty-six pounds a year (whether or not such rent is computed on an annual basis). 35 40

Struck out.

(3) Except as provided in the foregoing provisions of this section, the provisions of this Part of this Act with respect to shops and flats shall apply to
5 all shops and flats that on the passing of this Act or any time thereafter are let as such.

5. (1) For the purposes of this Part of this Act the expression "the basic rent" means—

Restriction on raising rent of shops and flats

10 (a) With reference to any shop or flat let as such on the *first* day of *June*, nineteen hundred and *thirty-nine*, the rent payable as on that date:

15 (b) With reference to any shop or flat not let as such on the *first* day of *June*, nineteen hundred and *thirty-nine*, the rent that was last payable before that date, or, in the case of any shop or flat first let as such after the *first* day of *June*, nineteen hundred and *thirty-nine*, and before the passing of this
20 Act, the rent that was first payable in respect thereof.

(2) Any increase in the basic rent of any shop or flat to which this Part of this Act applies that has been made since the *first* day of *August*,
25 nineteen hundred and *thirty-nine*, and before the passing of this Act, and any increase in the basic rent of any such shop or flat that is made after the passing of this Act shall, notwithstanding anything to the contrary in any agreement, be irrecoverable.

30 (3) Nothing in the foregoing provisions of this section shall be deemed to render irrecoverable any rent payable in respect of any shop or flat for any period if a fair rent has been fixed in accordance with the principal Act as applied by this Part of this
35 Act in respect of the shop or flat for that period, and the rent charged does not exceed the fair rent so fixed.

40 6. (1) Subject to the provisions of this Part of this Act, the provisions of the principal Act and its amendments, except sections two, three, and four of the principal Act, shall, so far as they are applicable and with the necessary modifications, apply with respect to shops and flats to which this Part of this Act applies:

Application of principal Act to shops and flats.

Provided that section sixty-three of the Finance Act, 1937, shall not apply with respect to shops.

1937, No. 17

Struck out.

(2) In the application of subsection two of section seven of the principal Act in accordance with this section, that subsection shall be construed as if the reference therein to the rent (if any) payable as on the twenty-seventh day of November, nineteen hundred and thirty-five, were a reference to the rent (if any) payable as on the *first* day of *January*, nineteen hundred and *thirty-nine*, or as on the *first* day of *June*, nineteen hundred and *thirty-nine*, whichever is the lower. 5 10

(3) In the application of subsection one of section thirteen of the principal Act in accordance with this section, that subsection shall be construed as if the following paragraph were added thereto:— 15

“(h) That the premises are reasonably required by the landlord for demolition or reconstruction.”

New.

2A. (1) Section two of the principal Act is hereby 20 amended by repealing paragraph (c) thereof, as set out in subsection one of section three of the Fair Rents Amendment Act, 1937.

(2) Section three of the Fair Rents Amendment Act, 1937, is hereby repealed. 25

2B. Notwithstanding anything to the contrary in section three of the principal Act, that Act shall apply with respect to every dwellinghouse that forms part of a building not originally designed and constructed for the purpose of being let as two or more separate flats or apartments, whether it is let for the first time as a dwellinghouse before or after the passing of this Act: 30

Provided that the principal Act shall not apply with respect to any such dwellinghouse— 35

(a) That was let as a dwellinghouse at any time between the twenty-seventh day of November, nineteen hundred and thirty-five, and the first day of January, nineteen hundred and thirty-nine, at a rent exceeding one hundred and fifty-six pounds a year (whether or not the rent was computed on an annual basis); or 40

Principal Act extended to apply to buildings constructed for letting as more than two separate flats or apartments. 1937, No. 2

Repeal.

Principal Act extended to apply to all flats or apartments not originally constructed for letting separately.

New.

5 (b) That upon being let for the first time as a dwellinghouse at any time after the first day of January, nineteen hundred and thirty-nine (whether before or after the passing of this Act) has been so let at a rent exceeding one hundred and fifty-six pounds a year (whether or not the rent is computed on an annual basis).

10 2c. Where any premises that form part of any house or building are let to a tenant for residential purposes and the tenant has a right to the use, in common with any other person, of any other part of the house or building, the premises let to the tenant shall
 15 for the purposes of the principal Act be deemed to be let to him as a separate dwelling.

Principal Act to apply to flats and apartments where parts of premises are shared.

20 2d. (1) For the purposes of the principal Act the expression "basic rent", in relation to any premises to which the principal Act is made applicable by any of the last *three* preceding sections, means—

Modification of principal Act in relation to flats or apartments to which it is extended by this Act.

(a) Where the premises were let as a dwellinghouse on the *first* day of *June*, nineteen hundred and *thirty-nine*, the rent payable as on that date:

25 (b) Where the premises were not let as a dwellinghouse on that date, the rent that was last payable before that date, or, in the case of any premises first let as a dwellinghouse after that date, the rent first payable in respect thereof.

30 (2) With respect to any such premises the provisions of subsection two of section five of the principal Act shall apply with respect only to increases in the basic rent made after the *first* day of *August*, nineteen hundred and *thirty-nine*, whether before or after the
 35 passing of this Act.

(3) In the application of subsection two of section seven of the principal Act to any such premises that subsection shall be construed as if the reference therein to the rent (if any) payable as on the twenty-seventh
 40 day of November, nineteen hundred and thirty-five, were a reference to the rent (if any) payable as on the *first* day of *January*, nineteen hundred and *thirty-nine*, or as on the *first* day of *June*, nineteen hundred and *thirty-nine*, whichever is the less.

New.

Extending grounds for recovery of possession.

2E. (1) Section thirteen of the principal Act is hereby amended by omitting from paragraph (f) of subsection one the words "to be completed by transfer within one month from the date thereof", and also by adding to subsection one the following paragraphs:— 5

"(h) That the premises are reasonably required by the landlord for demolition or reconstruction:

"(i) That the estate or interest of the landlord in the premises will have expired or been determined not later than three months after the date of the application for the order." 10

1937, No. 17

(2) Section sixty-three of the Finance Act, 1937, is hereby amended by inserting in subsection one, after the words "paragraph (f)", the words "or in paragraph (h)"; and also by inserting in the same subsection, after the words "paragraph (e)", the words "or in paragraph (i)". 15 20

Power to make regulations regulating charges for residential accommodation.

7. (1) Without limiting the general power to make regulations conferred on the Governor-General by section twenty-four of the principal Act, it is hereby declared that regulations may be made under that section for the purpose of regulating charges in respect of residential accommodation in any premises ~~whether~~ with ~~or without~~ any attendance or services. 25

New.

(2) Regulations made for the purposes of this section may be of general application, or may relate to any specified part or parts of New Zealand, or to any specified class or classes of residential accommodation. 30